क्रमांकः भाप्रसे १५१५/प्र.क्र. २६०/२०१५/९
सामान्य प्रशासन विभाग
मंत्रालय, मुंबई – ४०० ०३२.
तारीख: ३१.१०.२०१५

सेवाविषयक बाबीसंदर्भात निवेदने सादर करण्याबाबत केंद्र शासनाच्या कार्मिक व प्रशिक्षण विभागाची कार्यालयीन ज्ञापने माहितीसाठी व उचित कार्यवाहीसाठी अग्रेषित :-

अ.क्र.	कार्यालयीन ज्ञापन क्रमांक	विषय
१.	Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training Office Memorandum No. 11013/08/2013-Esst(A)-III dtd. 6th, June 2013	Representation from Government servant on service matters
२.	Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training Office Memorandum No. 11013/08/2013-Esst(A)-III dtd. 31st, August 2015	Representation from Government servant on service matters- reiteration of instructions-regarding

सदरील पृष्ठांकन हे महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संगणक संकेतांक क्रमांक २०१५१०३१११३७०८३४०७ असा आहे. हे पृष्ठांकन डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

Subhash Hanmant Umaranikar

Digitally signed by Subhash Hanmant Umaranikar
DN: c=IN, o=Government Of Maharashtra, ou=Under Secretary, postalCode=400032, st=Maharashtra, cn=Subhash Hanmant Umaranikar
Date: 2015.10.31 15:27:15 +05'30'

(सु. ह. उमराणीकर)
अवर सचिव, महाराष्ट्र शासन

प्रत,

१. महाराष्ट्र संवर्गातील सर्व भा.प्र.से. अधिकारी,
२. निवड नस्ती

No.11013/08/2013-Estt.(A)-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 6th June, 2013

OFFICE MEMORANDUM

Subject: Representation from Government servant on service matters.

The undersigned is directed to refer to the Ministry of Home Affair's OM No. 118/52-Ests. dated the 30th April, 1952, OM No. 25/34/68-Estt.(A) dated the 20th December, 1968 and this Department's OM No. 11013/07/1999-Estt.(A) dated the 1st November, 1999 (copies enclosed for ready reference) on the above mentioned subject. This Department is receiving a number of representations, on service matters, addressed to the Prime Minister/ Minister/ Secretary (P) and other officers directly from the Government servants.

2. It has been envisaged in these instructions that whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, or such other authority at the lowest level as is competent to deal with the matter. Of late, it is observed that there is an increasing tendency on the part of officers at different levels to by-pass the prescribed channels of representation and write directly to the high functionaries totally ignoring the prescribed channels. The problem is more acute in large Departments where often very junior employees at clerical level address multiple representations to the Minster, Prime Minister and other functionaries. Apart from individual representations, the service unions have also developed a tendency to write to the Ministers and Prime Minister on individual grievance. Some of these representations are often forwarded through Members of Parliament, in violation of Rule 20 of the CCS (Conduct) Rule, 1964.

3. Existing instructions clearly provide that representations on service matters should be forwarded through proper channel. The stage at which an advance copy of the representation may be sent to higher authorities has also been indicated. In MHA O.M. No. 25/34/68-Estt.(A) dated 20.12.68 time limits for disposal of various types of representations have been prescribed. If it is anticipated that an appeal or petition cannot be disposed of within a month of its submission, an acknowledgement or interim reply should be sent to the individual within a month.

4. Thus adequate instructions are available in the matter of submission of representations by the Government servants and treatment of the representations by the authorities concerned. As such submission of representations directly to higher authorities by- passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions as it can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964.

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5. It is again reiterated that these instructions may be brought to the notice of all Govt. servants and appropriate disciplinary action may be taken against those who violate these instructions.

(Y. K. Wadhwa)
Under Secretary to the Government of India

To

All Ministries/Departments of Govt. of India.

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Officers and Sections in the Ministry of Personnel, Public Grievances & Pensions
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. NIC, DoP&T with the request to upload this O.M. on Department's web site (OMs/Orders→ Establishment→ CCS (Conduct Rules).

Copy of the Office Memorandum No. 118/52-Ests. Dated 30th April, 1952

Representations from Government servants on service matters – advance copies.

Reference are frequently received in this Ministry enquiring whether the submission of advance copies of representations to higher authorities is permissible and as to the treatment that should be accorded to such copies. The matter has been carefully considered and the following instructions are issued for the guidance of all concerned.

2. Whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate superior official, or the Head of office, or such other authority at the lowest level as he is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. Representations to still higher authorities (.e.g. those addressed to the President, the Government or to Hon'ble Minister) must be submitted through the proper channel (i.e. the Head of Office, etc. concerned). There will be no objection at that stage, but only at that stage to an advance copy of the representation being sent direct.

3. The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles –

(a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons being communicated briefly to the Government servants. If the Government servant persists in this prematurely addressing the higher authorities, suitable disciplinary action should be taken against him.

(b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts as stated, some grounds for interference or for further consideration, prima facie exist. Where no such grounds appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.

(c) Even where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked. within a reasonable time, to forward the original representation, with its report and comments on the points urged. There is ordinarily no justification for the passing of any orders on any representation without thus ascertaining the comments of the appropriate lower authority.

4. Some Government servants are in the habit of sending copies of their representations also to outside authorities, i.e. authorities who are not directly concerned with the consideration thereof (e.g. other Honorable Minister, Secretary, Members of Parliament, etc.) This is a most objectionable practice, contrary to official propriety and subversive of good discipline and all Government servants are expected scrupulously to eschew it.

Copy of the Office Memorandum No. 25/34/68-Estt.(A) Dated 20.12.1968

Representations from Government servants on service matters – Treatment of

Reference is invited to the Ministry of Home Affairs Office Memorandum No. 118/52-Ests. Dated the 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference). It has been brought to the notice of the Ministry of Home Affairs that undue delay occurs very often in the disposal of representations from Government servants in regard to matters connected with the service rights or conditions which causes hardship to the individuals concerned.

2. The representations from Government servants on service matters may be broadly classified as follows :-

(1) Representations/complaints regarding non-payment of salary/allowances or other dues:

(2) Representations on other service matters;

(3) Representations against the orders of the immediate superior authority; and

(4) Appeals and petitions under statutory rules and orders (e.g. Classification Control and Appeal Rules and the petition Instructions).

3. In regard to representations of the type mentioned at (1) and (2) above, if the individual has not received a reply thereto within a month of its submission, he could address. or ask for an interview with the next higher officer for redress of his grievances. Such superior officer should immediately send for the papers and take such action as may be called for. without delay

4. Representations of the type mentioned at (3) above, would be made generally only in cases where there is no provision under the statutory rules or orders for making appeals or petitions. Such representations also should be dealt with as expeditiously as possible. The provisions of the preceding paragraph would apply to such representations also, but not to later representations made by the same Government servant on the same subject after his earlier representation has been disposed off appropriately.

5. In regard to the representations of the type mentioned at (4) above, although the relevant rules or orders do not prescribe a time limit for disposing of appeals and petitions by the competent authority, it should be ensured that all such appeals and petitions receive prompt attention and are disposed within a reasonable time. If it is anticipated that an appeal or a petition cannot be disposed of within a month of its submission, an acknowledgement or an interim reply should be sent to the individual within a month.

6. The instructions contained in paragraph 2 of this Ministry's Office Memorandum No. 118/52-Ests. Dated the 30th April, 1952, will stand modified to the extent indicated in the paragraphs 3,4 and 5 above.

No. 11013/7/99-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

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New Delhi, dated the 1st November 1999.

OFFICE MEMORANDUM

Subject: Representation from Government servants on service matters.

The undersigned is directed to refer to the Ministry of Home Affairs O.M. No.118/52-Ests. dated 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference).

2. It has been envisaged in these instructions that whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, or such other authority at the lowest level as he is competent to deal with the matter. Of late, it is observed that there has been a tendency on the part of officers at different levels to by-pass the prescribed channels of representation and write directly to the high functionaries totally ignoring the prescribed channels. The problem is more acute in large Departments where often very junior employees at clerical level address multiple representations to the Minister, Prime Minister and other functionaries. Apart from individual representations, the service unions have also developed a tendency to write to the Ministers and Prime Minister on individual grievances. Some of these representations are often forwarded through Members of Parliament, in violation of Rule 20 of the CCS (Conduct) Rules, 1964.

3. Existing instructions clearly provide that representations on service matters should be forwarded through proper channel. The stage at which an advance copy of the representation may be sent to higher authorities has also been indicated. In MHA O.M. No.25/34/68-Estt.(A) dated 20.12.68 - (copy enclosed) time limits for disposal of various types of representations have been prescribed. If it is anticipated that an appeal or petition cannot be disposed of within a month of its submission, an acknowledgement or interim reply should be sent to the individual within a month.

4. Thus adequate instructions are available in the matter of submission of representations by the Government servants and treatment of the representations by the authorities concerned. As such submission of representations directly to higher authorities by-passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions as it can rightly

be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964.

6 5. It is requested that these instructions may be brought to the notice of all Govt. servants and appropriate disciplinary action may be taken against those who violate these instructions.

(T.O. Thomas)
Deputy Secretary to the Government of India

To

All Ministries/Departments of the Govt. of India.

Copy to:

1. Comptroller & Audtior General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Officers and Sections in the Ministry of Personnel, Public Grievances & Pensions ~~& MHA~~.
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions ~~& MHA~~.

(T.O. Thomas)
Deputy Secretary to the Government of India

F. No. 11013/08/2013-Estt.(A-III)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment A-III Desk
*****

North Block, New Delhi
Dated August 31, 2015

OFFICE MEMORANDUM

Subject: **Representation from Government servant on service matters - reiteration of instructions - regarding.**

The undersigned is directed to refer to O.M. of even number dated 6th June, 2013 wherein instructions have been issued on submission of representation by Government servants about their service matters. In spite of these instructions, it has been observed that Government servants including officers/ officials of para military forces and Army personnel continue to represent directly to the Prime Minister, Minister, Secretary (P) and other higher authorities, directly.

2. As per the existing instructions, wherever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redressal of a grievance, the proper course for him is to address his immediate official superior, or Head of his office, or such other authority at the appropriate level who is competent to deal with the matter in the organisation.

3. Such submission of representations directly to other authorities by- passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions. This can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the Central Civil Services (Conduct) Rules, 1964. It is clarified that this would include all forms of communication including through e-mails or public grievances portal etc.

4. Attention in this connection is also invited to the provision of Rule 20 of CCS (Conduct) Rules, 1964 prohibiting Government servants from bringing outside influence in respect of matter pertaining to his service matter. Representation by relatives of Government servant is also treated as outside influence as clarified vide MHA OM No. F.25/21/63-Estt.(A) dated 19.09.1963

5. It is reiterated that these instructions may be brought to the notice of all Govt. servants including officers/ officials of para military forces and member of armed forces and action taken against those who violate these instructions.

(Mukesh Chaturvedi)
Director (E)
Telefax: 23093176

To

The Secretaries of All Ministries/Departments of Govt. of India
(as per the standard list)

------2/-

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
16. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → (Conduct Rules).
17. Hindi Section, DoP&T

(Mukesh Chaturvedi)
Director (E)
Telefax: 23093176